

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

AT TACOMA

TROY WRIGHT, JR.) Case No.
Plaintiff,)
vs.)
ASSET ACCEPTANCE, LLC,) **COMPLAINT**
Defendant.)
)
)
) **JURY TRIAL DEMANDED**
)
)
)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Troy Wright, Jr., is a natural person residing in the State of Washington, County of Pierce, and Tacoma of Olympia.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, Asset Acceptance, LLC, (“Defendant”) was a limited liability company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- 1 a. Bringing a legal action against Plaintiff on a debt in a judicial district
2 other than the judicial district where Plaintiff signed the contract sued
3 upon or the judicial district in which Plaintiff resided at the
4 commencement of the action (§ 1692i(a)(2));
5 b. Falsely representing the character, amount, or legal status of a debt
6 allegedly belonging to Plaintiff, including filing a lawsuit and obtaining
7 a judgment against Plaintiff for a debt he does not owe, and refusing to
8 cease and desist from collection on such judgment in the face of
9 evidence supporting Plaintiffs contentions (§ 1692e(2)(A)).

10 8. Defendant's aforementioned activities, set out in paragraph 8, also
11 constitute an intentional intrusion into Plaintiff's private places and into private
12 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
13 person.

14 **COUNT I: VIOLATION OF FAIR DEBT
15 COLLECTION PRACTICES ACT**

16 9. Plaintiff reincorporates by reference all of the preceding paragraphs.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff respectfully prays that judgment be entered
19 against the Defendant for the following:
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- 22 A. Declaratory judgment that Defendant's conduct
23 violated the FDCPA;
- 24 B. Actual damages;
- 25 C. Statutory damages;
- 26 D. Costs and reasonable attorney's fees; and,
- 27 E. For such other and further relief as may be just and proper.

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2 **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**
3 **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**
4 **CONSUMER PROTECTION ACT**

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6 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
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8 **PRAYER FOR RELIEF**
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10 WHEREFORE, Plaintiff respectfully prays that judgment be entered
11 against the Defendant for the following:
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13 A. Actual damages;
14 B. Discretionary Treble Damages;
15 C. Costs and reasonable attorney's fees,
16 D. For such other and further relief as may be just and proper.
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Respectfully submitted this 31st day of August, 2009.

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s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff
Complaint - 4

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